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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 VERNON L. HAFFNER,
12 Petitioner,
13 v.
14 PAT GLEBE,
15 Respondent.

Case No. C09-5364FDB-KLS
**ORDER DENYING
PETITIONER'S MOTION TO
EXTEND TIME**

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18 This matter is before the Court on petitioner's motion to extend time for filing a response (Dkt.
19 #12) to respondent's answer (Dkt. #10) concerning petitioner's petition for writ of federal *habeas corpus*
20 relief filed pursuant to 28 U.S.C. § 2254 (Dkt. #5). After reviewing petitioner's motion and the remainder
21 of the record, the Court hereby finds and orders as follows:

22 On August 12, 2009, the Court directed service of petitioner's petition, in which the parties further
23 were informed therein that upon receipt of respondent's answer thereto, the Clerk would note the petition
24 for consideration on the fourth Friday after the date of such receipt, and plaintiff's response to the answer
25 would be due "not later than the Monday immediately preceding that Friday." (Dkt. #7). On September
26 24, 2009, respondent filed his answer to petitioner's petition. (Dkt. #10). Accordingly, the Clerk noted
27 the petition for consideration on October 23, 2009. (Dkt. #11). As such, petitioner's response was due by
28 no later than October 19, 2009.

1 Petitioner's motion to extent time to file such a response, however, was not filed with the Court
2 until October 28, 2009, or eight days after his response was due. (Dkt. #12). Petitioner fails to explain
3 why he was unable to timely file his motion. In addition, it does not appear that petitioner served a copy
4 of his motion on respondent. Accordingly, the motion is not properly before the Court. The request for an
5 extension of time contained therein, furthermore, is without merit. Petitioner states he needs an extension
6 of time due to a lack of prison library access. But he has not shown such access is necessary to be able to
7 properly respond to respondent's answer. Nor has he provided at least a factual rebuttal to respondent's
8 argument that he failed to exhaust his federal claims in state court, which would not require any particular
9 citation to federal rules and procedures. Lastly, petitioner fails to state how much additional time would
10 be required to allow him to file a response.

11 For all of the above reasons, petitioner's motion to extend time for filing a response (Dkt. #12)
12 hereby is DENIED.

13 The Clerk shall send a copy of this Order to petitioner and counsel for respondent.

14 DATED this 12th day of November, 2009.
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17 Karen L. Strombom
18 United States Magistrate Judge
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